

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

GEORGE O. LAMBUS

PLAINTIFF

vs.

Civil Action No. 3:02-cv-1818 WS

LEXTRON CORPORATION

DEFENDANT

ORDER DIRECTING ADMINISTRATIVE DISMISSAL

On December 20, 2002 the plaintiff in this matter filed a right-to-sue letter with the Clerk of the Court and sought to proceed in forma pauperis. Permission to so proceed was granted by the United States Magistrate Judge and summons was issued. The defendant filed an answer to the plaintiff's pleadings on April 2, 2003, as though a complaint in proper form had been filed.

On July 9, 2003, the plaintiff filed a document which asserted that he was disabled and bankrupt. No action was taken in this case by either party for over two years. This court called for clarification in order to determine whether the plaintiff actually had filed a bankruptcy petition. On November 17, 2005, the plaintiff filed an affidavit in letter form stating that he was paying the Trustee in bankruptcy \$247.50 per month as part of the terms of his bankruptcy. No copy of a petition or of a discharge order was filed by the plaintiff.

Then, on December 9, 2005, the defendant filed a suggestion of bankruptcy, informing the court that on February 12, 2004, it had filed a petition in Bankruptcy Case No. 04-00826, a Chapter 11 petition which is still pending before the Bankruptcy Court with an automatic stay imposed. At a hearing conducted by this court on January 10, 2006, the plaintiff announced to the court that he would seek to lift the

automatic stay so that this case could proceed. The plaintiff then filed a “motion to dismiss” in the Bankruptcy Court, and a hearing was conducted on March 21, 2006. The plaintiff failed to appear at the hearing and failed to pay the required fees. On March 30, 2006, the Bankruptcy Court entered an Order denying the plaintiff’s motion.

Therefore, inasmuch as the automatic stay remains in effect in this case, this court hereby directs that this case is administratively dismissed pending the conclusion of the defendant’s Chapter 11 proceedings in the Bankruptcy Court. This court retains jurisdiction over this case pending the outcome of the defendant’s bankruptcy.

SO ORDERED, this the 18th day of September, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

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